REMARKS

Claims 1-36 are pending, in which no claims are canceled, withdrawn from consideration, currently amended, or newly presented.

The Final Office Action mailed September 8, 2009 rejected claims 1-7, 10-16, 18, 20-24, and 27-36 as obvious under 35 U.S.C. § 103 based on *Dutta et al.* (US 7,000,189) in view of *Sharma* (US 2003/0125953), and claims 8, 17, 24 and 31 as obvious under 35 U.S.C. § 103 based on *Dutta et al.* in view of *Sharma* and further in view of *Chatterjee et al.* (US 6,947,440).

Applicants respectfully maintain the traversal of the obviousness rejections for the reasons proffered in Applicants' prior response. Moreover, the following arguments are provided to overcome the rejections.

By way of example, independent claim 1 recites, "receiving **a request** from a browser application **for the content** in the web server" and "**modifying the request** to include information specifying support of a parse and pre-fetch service as to permit handling of the modified request by the web server in absence of an upstream proxy that is communicating with the web server." The cited portion for such a supposed teaching is col. 5, line 65 through col. 6, line 1 (page 3 of the Office Action); this passage states the following:

> Upon detecting a request from a talking browser, the web server may then **modify the content of the response** to exclude content not suitable for presentation to a talking browser. Web servers 104 may determine whether the client originating a particular request is a talking browser by retrieving user agent information from the user agent field of the received request.

As previously explained, this passage discloses only that the **content of the response**, and **not the request** for content is modified.

The Examiner now attempts to explain this distinction away by relying on an inherency theory, stating " request from a talking browser is **inherently** a **modified request** in that it is not

a regular request." Continuing with this line of reasoning, the Examiner further contends that "this type of request is causing the web server to modify the content of the response to exclude content not suitable for presentation to a talking browser." Respectfully, this reasoning is misguided and has no technical basis. It appears that the Examiner is suggesting that a request is considered to be a modified request because it causes modification of the content of the response.

MPEP §2112 clearly asserts that "'In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.'" *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The Office Action has provided no basis in fact and/or technical reasoning for the conclusion that a modified request necessarily flows from a modified content in a response (stemming from the request). In fact, there are numerous scenarios in which responses may be modified without modifying the requests for these responses.

Moreover, the Examiner declares that the request is inherently modified because it is not a "regular request" and that "this type of request is causing the web server to modify the content of the response to exclude content not suitable for presentation to a talking browser. Thus, the Examiner is in essence argues that the **modified request** is the mechanism that is used to exclude content not suitable for presentation. Applicants respectfully assert that this not the case, as *Dutta et al.* clearly does not rely on a **modified request** for excluding content, but rather discloses that the **proxy server** is actually the entity that excludes content not suitable for presentation. For example, column 9: 25-32 of *Dutta et al.* states (Emphasis Added):

> In one embodiment, proxy server 182 is configured to determine that browser
> 186 is a talking browser such as by inspecting the user agent field of a web

content request initiated by browser 186 . **Proxy server 182 may also be designed to determine whether content provided by web server 184 is suitable for presentation to a talking browser** and for taking appropriate action if the content is not suitable. Specifically, proxy server 182 may be configured to store locally or otherwise preserve the requested content upon determining that it is not suitable for presentation to talking browser 186 .

In the above cited passage, *Dutta et al.* relies on a **proxy server** for excluding content rather than on a **modified request** to cause a web server to modify the content of the response as the Examiner suggests.

Additionally, in section (E), page 10, of the Office Action, the Examiner responds to the Applicants' observation that the feature of "identifying the downstream proxy" is not addressed by asserting that the abstract of *Dutta et al.* discloses "providing or transferring information to the client device by the server in response to the client request." Applicants cannot find any link between this cited passage in the abstract and the feature of "identifying the downstream proxy." This is no mention of a proxy, much less a downstream proxy. *Dutta et al.* merely discloses an interaction between the client device and the server and providing or transferring information to the client device in response to the client request. Even though there is disclosure of a **downstream transfer** of information from a server to a client by *Dutta et al.* there is no disclosure of "identifying the downstream **proxy.**" In summary, simply transferring information downstream from a server to a client does not correspond to **identifying a downstream proxy**. The only common characteristic is use of the term "downstream," without any commonality in context; moreover, the "client" is not a "proxy."

The secondary references of *Sharma* and *Chatterjee et al.* do not fill in the gaps of *Dutta et al.* Hence, the obviousness rejections are unsustainable.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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